

GWPC AE/ASR Working Group Meeting

Tuesday, January 21, 2014 in New Orleans, LA

1:00 PM-6:00PM, Hotel Monteleone, Iberville Room (mezzanine level)

Meeting Duration: 5 hours

Goal: Continue discussions on some of the Aquifer Exemption (AE) topics covered during the Saint Louis meeting in September, 2013. Develop a better understanding of the remaining AE issues. Identify areas of common understanding. Review GWPC Board Resolution 13-1 relative to AE/ASR.

1. Introductions 10 min
2. ASR issues introduction 15 min
 - Review GWPC Board Resolution 13-1
 - Briefly discuss September 27, 2013 EPA letter to Florida DEP regarding application of UIC requirements to ASR wells used by public water supply systems where mobilization of arsenic is a concern.
 - Reminder: Wednesday, January 22, 10:30 am Session. National UIC and Aquifer Management: Issues and Activities -Aquifer Storage and Recovery (ASR)
 - Briefly discuss possible Working Group future actions such as development of information/tools/documentation for states.
3. Updates on AE activities across the country 15 min
(Discuss progress since last face-to-face meeting, status of follow up items and outstanding questions. Identify what the Working Group, States, and EPA have accomplished and what we plan to accomplish next.)

Summarize Working Group progress:

- Interagency Communication and Understanding
- What's Complex and What's Not—Triggers
- Early Notification of Complex AE situations
- Pre AE discussions between States and EPA
- SOB

Part 1: Keeping Track of Approved Aquifer Exemptions

20 min

4. EPA's Update on AE Tracking System
 - Collection of historical AE data
 - List of data elements
 - EPA process and next steps
 - o Making the data publicly available: what else do we need?
 - o GIS mapping

Part 2: Current Use**60 min**

5. Develop a common understanding on **how** to make current use demonstration
 - Review exerted comments
 - Beginning and end of "current use" concept –May be class dependent?
 - Timeframe for determining when "current use" is determined
 - Develop list of information needed

Break**15 min****Part 3: Future Use****90 min**

6. Discuss EPA and State perceptions of "Future Use" [40 CFR 146.4(b)]
 - Review exerted comments
 - State and local planning for future use. Practicality of future use forecasts.
 - Based upon the criteria given in 40 CFR 146.4, (below) what information is needed to for an aquifer exemption demonstration?
 - What are potential sources of data and information that can support this demonstration?

40 § 146.4 Criteria for exempted aquifers.

An aquifer or a portion thereof which meets the criteria for an "underground source of drinking water" in § 146.3 may be determined under § 144.7 of this chapter to be an "exempted aquifer" for Class I–V wells if it meets the criteria in paragraphs (a) through (c) of this section. Class VI wells must meet the criteria under paragraph (d) of this section:

(a) It does not currently serve as a source of drinking water; and

(b) It cannot now and will not in the future serve as a source of drinking water because:

(1) It is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible.

(2) It is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical;

(3) It is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or

(4) It is located over a Class III well mining area subject to subsidence or catastrophic collapse; or

(c) The total dissolved solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system.

(d) The areal extent of an aquifer exemption for a Class II enhanced oil recovery or enhanced gas recovery well may be expanded for the exclusive purpose of Class VI injection for geologic sequestration under § 144.7(d) of this chapter if it meets the following criteria:

(1) It does not currently serve as a source of drinking water; and

(2) The total dissolved solids content of the ground water is more than 3,000 mg/l and less than 10,000 mg/l; and

(3) It is not reasonably expected to supply a public water system.

(Clean Water Act, Safe Drinking Water Act, Clean Air Act, Resource Conservation and Recovery Act: 42 U.S.C. 6905, 6912, 6925, 6927, 6974)

[45 FR 42500, June 24, 1980, as amended at 47 FR 4998, Feb. 3, 1982; 48 FR 14293, Apr. 1, 1983; 75 FR 77291, Dec. 10, 2010]

Break

15 min

Part 4: Other Considerations

45 min

7. Dispute Resolution process – Discuss the development of a dispute resolution process between Regions and the State to expedite decisions/resolutions to conflicts. Some conflicts are not communication issues. Is there an alternative path? Do we need an informal dispute resolution process between the States and EPA? When should the conflict be elevated to the next level? States need certainty that there will be a decision or the issue will be worked through within X number of days.
8. Continue discussion on whether there should be different approaches for AEs for different UIC well classes or use of wells (disposal vs. other injection purposes)?
 - Various issues being discussed the next 2 days at the UIC meeting include:
 - Induced seismicity
 - Pore space competition
 - Converted well construction
9. Discuss how to address UIC permit renewals (describe scenarios and discuss missing data over a number of scenarios)
10. Other Issues?

Part 5: Next steps

15 min

11. When do we want to meet next and what do we want to accomplish?
 - Potential work items identified at past meetings:
 - Develop process maps, decision trees or flow decision streams that can bring a consistent understanding of how the AE "no surprises" process works. Document the concepts of "What's Complex and What's Not—Triggers" for "Early Notification of Complex AE situations" between UIC program delegated states and EPA and discussions between states and EPA prior to the submittal of an AE. This process documentation can also be an important tool for new employees to help understand how the process flows and why.
 - Flow chart of AE process with comment/public participation opportunities detailed. This can be given to staff, the regulated community, and interested parties, to help in understanding of when and how to effectively communicate with governmental decision makers.

